

1

REMARKS

The Examiner rejected claims 1, 6, 7, 8 and 14 under 35 U.S.C. § 102(b) as being anticipated by Wammock (U.S. Patent No. 5,245,769). The Examiner states however that claims 2-5 and 9-13 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, the applicants have cancelled claims 1 and 2 and rewritten the same as new independent claim 15. Claim 3, which originally depended from claim 2, has been amended to depend from new claim 15. Claims 4 and 5 depend from claim 3. Claim 6 has also been amended to depend from new claim 15 and is further comprised of the limitation that states that the panel is positioned to deflect a substantial portion of the ground material laterally with respect to the ground engagement feature. Accordingly, claims 3-6 and 15 are believed to be allowable.

15

The applicants have also cancelled claims 7 and 9 and have rewritten the same as new independent claim 16. Claims 8 and 10 have both been amended to each depend from new claim 16. Claim 11 depends from claim 10. Accordingly, claims 8, 10, 11 and 16 are believed to be allowable.

20

The applicants have also cancelled claim 12 and rewritten the same as new independent claim 17 to include all of the limitations found within original claims 7 and 12. Claim 13 has been amended to depend from new claim 17. Accordingly, claims 13 and 17 are believed to be allowable.

25

1           Claim 14 depends from original claim 7 and is further limited by a "means for  
generally biasing said panel away from said ground engagement means." The  
applicants have cancelled claim 14 and rewritten the same as new claim 18, to  
include all of the limitations of claims 7 and 14. Accordingly, new claim 18 is limited  
5           to having a "means for generally biasing said panel away from said ground  
engagement means." This limitation provides insufficient structure for accomplishing  
the function of generally biasing the panel away from the ground engagement  
means. Accordingly, the limitation must be construed in accordance with 35 U.S.C.  
10          § 112(6). The specification describes only two different structural assemblies that  
are capable of performing the recited function; those being the biasing springs 30  
and the tensioning spring 36. Under 35 U.S.C. § 112(6), the "means" set forth within  
the claim limitation is thereby determined to be either or both of the biasing springs  
30 and tensioning spring 36 and their 35 U.S.C. §112(6) equivalents. No such  
15          structures are disclosed or otherwise suggested by the prior art. Accordingly, the  
Examiner is respectfully requested to consider new claim 18 and allow the same.

20          No fees or extensions of time are believed to be due in connection with this  
amendment; however, consider this a request for any extension inadvertently  
omitted, and charge any additional fees to Deposit Account No. 502093.



1

Respectfully submitted,

SHANE M. NIEBERGALL  
Registration No. 44,974  
THOMTE, MAZOUR & NIEBERGALL  
Attorneys of Record

5

2120 S. 72nd Street, Suite 1111  
Omaha, NE 68124  
(402) 392-2280

10

**CERTIFICATE OF MAILING**

I hereby certify that the original of this AMENDMENT for IVAN C. HEISE, Serial No. 10/602,204, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16<sup>th</sup> day of July, 2004.

15

20

25